

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the final rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-20 are currently pending. Claims 1, 6, 11 and 16 are independent. Claims 1 and 6-9 are hereby amended. Claims 11-20 are newly added. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 9-10 and 14. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Furthermore, Applicant has amended the Title.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-10 were rejected under 35 U.S.C. §102(b) as allegedly unpatentable over U.S. Patent No. 5,668,597 to Parulski (hereafter merely "Parulski").

Claim 1 recites, *inter alia*:

"the control period of said control means being set in correspondence within the read-out period of said detection area." (emphasis added)

As understood by Applicant, Parulski relates to multiple accumulators to store the average contrast for multiple regions in the image (see Fig. 5 of the same). A fast dump structure is interposed between the output of the vertical registers and the horizontal register of the sensor for eliminating complete rows (lines) of image charge at a time from the image sensor by discharge to a sensor substrate. By setting a suitable positive potential on a fast dump gate line FDG, charge from the row (line) of pixel values currently adjacent to the fast dump structure is transferred from the CCD channel directly into the sensor substrate rather than to the horizontal register. This dump, or line clear, is accomplished during the vertical-to-horizontal transfer time. When properly controlled by the sensor timing circuit, the fast dump structure allows lines of charge to be eliminated.

Applicant respectfully submits that Parulski does not disclose or suggest an image photographing apparatus for photographing a still image comprising a control means and the control period of said control means being set in correspondence within the read-out period of said detection area, as recited in claim 1.

Therefore, Applicant submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claim 6 is also believed to be patentable.

Therefore, Applicant submits that independent claims 1 and 6 are patentable.

New claim 11 recites, *inter alia*:

“wherein the control means controls at least two scan speeds with a first scan speed being used outside the detection area and a second scan speed being used within the detection area, the first scan speed being greater than the second scan speed, a predetermined value associated with a pulse counter being used by the control means for determining a switching point between speeds.” (emphasis added)

Applicant respectfully submits that Parulski does not disclose or suggest an image photographing apparatus for photographing a still image comprising a control means wherein the control means controls at least two scan speeds with a first scan speed being used outside the detection area and a second scan speed being used within the detection area, the first scan speed being greater than the second scan speed, a predetermined value associated with a pulse counter being used by the control means for determining a switching point between speeds, as recited in claim 11.

Therefore, Applicant submits that claim 11 is patentable.

For reasons similar to those described above with regard to independent claim 11, independent claim 16 is also believed to be patentable.

Therefore, Applicant submits that independent claims 11 and 16 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

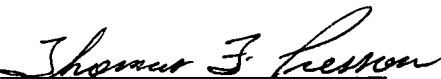
Claims 1-20 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By: 
Thomas F. Presson
Reg. No. 41,442
(212) 500 0800